

REMARKS

Claims 1-22 are currently pending in the Application. Applicant's representative has amended claims 1 and 15 to more particularly claim that which Applicant regards as his invention. In an office action dated February 12, 2003 ("Office Action"), the Examiner objected to Figures 1-4, objected to the abstract of the disclosure, and objected to line 21 of page 2 of the disclosure. Applicant's representative has endeavored to correct the Figures, abstract, and disclosure to conform to the Examiner's suggestions. Please substitute the enclosed formal drawings, which reflect the changes recommended by the Examiner, for the informal drawings originally filed. Please substitute the enclosed, new Abstract, which now has more than 50 words.

In the Office Action, the Examiner rejected claims 1,2,7,10-15,18,21,and 22 under 35 U.S.C. § 103(a) as being unpatentable over Archambeau et al., U.S. Patent No. 6,279,131 ("Archambeau") in view of Stanley et al., U.S. Patent No. 4,884,228 ("Stanley"), rejected claims 4, 9, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Archambeau in view of Stanley and further in view of Grey, U.S. Patent No. 6,473,707 ("Grey"), rejected claims 3,5,6,16, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Archambeau in view of Stanley and Grey in further view of Barnstijn et al., U.S. Patent No. 5,715,387 ("Barnstijn"), and rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Archambeau in view of Stanley and further in view of Sauer et al., U.S. Patent No. 5,828,985 ("Sauer") and Kaiser, U.S. Patent No. 6,415,406 ("Kaiser"). Applicant's representative respectfully traverses these 35 U.S.C. § 103(a) rejections.

First, Applicant's representative would like to thank the Examiner for a careful examination, including finding and objecting to deficiencies in the Figures and abstract. Applicant's representative has endeavored to correct all deficiencies noted by the Examiner.

With regard to the 35 U.S.C. § 103(a) rejections, Applicant's representative notes that all four separate rejections rely on a combination of Archambeau and Stanley for teaching all, or a majority of, the features of the claimed invention. However, Applicant's representative respectfully disagrees. Consider claim 1, as

currently amended:

1. (currently amended) A testing platform within a computing resource environment, the testing platform comprising:
 - a test execution engine that receives input commands and initiates processing of the input commands;
 - a test routine; and
 - components that serve to adapt hardware and software interfaces of the computing resource environment to the test execution engine and test routine and that shield the test execution engine and test routine from dependencies on the hardware and software interfaces of the computing resource environment, including the operating system interface.

Please note that the claimed testing platform includes components that shield the test execution engine and test routine from dependencies on the hardware and software interfaces of the computing resource environment, including the operating system interface. The Examiner noted that "Archambeau ... teaches a general testing overview without the specifics for adapting all the device interfaces such as operating system interfaces" (Office Action, page 4, lines 16-17). Immediately thereafter, the Examiner noted that "*Stanley teaches a flexible instrument control system comprising the method of configuring the operating modes of a micro-computer based instrument by software organized into an operating system, a control interface system, a command execution system ... wherein the operating system provides memory management, multi-tasking, and other typical operating system functions.*" These two statements precisely frame the reason why neither Archambeau nor Stanley, alone or in combination, can possibly teach the claimed invention.

Applicant's claimed testing platform includes components that shield the test execution engine and test routine from the operating system interface within the computing resource environment in which the testing platform runs. Please consider the following paragraph from the current application, beginning on line 22 of page 5, with reference to Figure 2 of the current application:

The testing platform includes a core test execution engine 212 that includes a central execution loop that continuously executes in order to run one or more test routines according to various user-input and programmed parameters. Both the test routine 210 and the test execution engine 212 are shielded by additional testing platform components from dependencies on the computing resources and external entities 202, 204-205, 206-207, and 208 within the environment in which the testing platform runs. The test execution engine 212 interfaces to data output and data storage devices 204-205 via a result handler component 214. The test execution engine interfaces to operating-system-provided functionality 202 via various components diagrammed together in

Figure 2 as a generalized operating system adaptor 216. The test execution engine interfaces to user I/O devices 206-207 via a user I/O component 218. The test execution engine interacts with the test routine via a mode component 220, a sequencer component 222, and a test executor component 224. The test routine 210 interfaces with the result handler component via a first test link component 226 and interfaces with the operating system adaptor, user I/O handler, and a communications interface 228 via a second test link component 230. The communications interface component 228 serves to interface the test routine 210 with a hardware component 208 tested by the test routine. (emphasis added)

In both the quoted text, and in Figure 2, it is abundantly clear that Applicant's test platform is a self-contained, logically isolated group of components external to, and apart from, the operating system of the computing resource environment in which the testing platform runs. Applicant deliberately designed the claimed testing platform in this way for, among others, portability reasons, as detailed in the below quoted portion of the paragraph beginning on line 21 of page 8 of the current application:

The highly modular and onion-like layers of shielding provided by the functional components of the testing platform allow for the high levels of enhancability, adaptability, and portability of both the testing platform and of test routines developed to test various hardware and software components. The testing platform, for example, can be ported to almost any computing resource environment, including to many different operating systems and computer platforms, without the need to modify the internal execution loop within the test execution engine, nor functional components such as the test sequencer. (emphasis added)

However, as the Examiner has noted, and as is clearly described in Stanley, Stanley's disclosed oscilloscope-control software:

is organized into an operating system (OS) 70, a control interface system (CIS) 72, a command execution system (CEX) 74, a steady-state system (SSS) 76, and an interboard communication system (IBCS) 78. The control interface system 72, command execution system 74, steady state system 76 and interboard communication system each comprise tasks which run within an operating environment provided by the operating system 70... (Stanley, column 6, lines 37-45) (emphasis added)

Please note that, in Figure 3 of Stanley, the interrelationship between the oscilloscope-control components and Stanley's operating system is diagrammed exactly as specified in the above-quoted text – namely, *Stanley's operating system 70 includes all of the individual oscilloscope-control components.* Please note that the box representing the

operating system 70 encloses every other component in Figure 3.

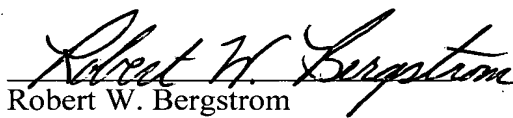
Stanley has essentially developed a stand-alone operating system that is tailored for oscilloscope control. *Stanley's oscilloscope-control components execute within Stanley's stand-alone operating system.* By contrast, as disclosed and claimed by the Applicant, the Applicant's claimed testing platform *includes components that serve to adapt hardware and software interfaces of the computing resource environment to the test execution engine and test routine and that shield the test execution engine and test routine from dependencies on the hardware and software interfaces of the computing resource environment, including the operating system interface.* Stanley's disclosed system is a standalone operating system, and Applicant's disclosed and claimed testing platform is separate and distinct from the operating system, and includes components to completely isolate the testing platform from the operating system. Stanley's disclosed oscilloscope-control stand-alone operating system is completely and wholly unrelated to Applicant's testing platform, and, in fact, inhabits an architectural paradigm diametrically opposed to that adopted by Applicant. Applicant's testing platform, by being shielded and isolated from the operating system, is easily ported from one machine to another, with porting changes isolated in the operating-system-isolating components (216 in Figure 2) while, in sharp contrast, Stanley would almost certainly need to be rewrite all or large portions of his stand-alone oscilloscope-control operating system in order to port the operating system to a different type of machine, since Stanley's oscilloscope-control system lacks Applicant's claimed operating-system-isolating components.

For this reason alone, Applicant's representative believes that all four of the Examiner's 35 U.S.C. § 103(a) rejections must fail. The cited references, alone or in combination, completely fail to teach or suggest the claimed testing platform, as clearly described in the above quoted paragraph, as clearly diagrammed in Figure 2, and as clearly claimed. All four of the Examiner's 35 U.S.C. § 103(a) rejections must fail for dependent claims 2-14, and for the method claims 15-22, with independent method claim 15 including language similar to that argued above for claim 1. Applicant's representative also believes that the Examiner has failed to adequately demonstrate a suggestion or motive for combining the cited references, particularly Archambeau and Stanley, which address very different technical fields. Applicant's representative believes

that general references to a combination being obvious to one skilled in the art do not meet the criteria for a suggestion for combination well laid out in case law and in the MPEP.

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
John S. Eden
Olympic Patent Works PLLC


Robert W. Bergstrom
Registration No. 39,906

Enclosures:
Postcards (2)
Transmittal in duplicate
Petition for an Extension of Time in duplicate

Olympic Patent Works PLLC
P.O. Box 4277
Seattle, WA 98104
206.621.1933 telephone
206.621.5302 fax